

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SHIVAM GUPTA,

Plaintiff,

v.

NAOMI MARTIN and SNIPER SCOPE FX,

Defendant.

§
§
§
§
§
§
§
§

1:23-CV-1191-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Plaintiff Shivam Gupta's ("Plaintiff") Motion for Default Judgment Against All Defendants, (Dkt. 11). (R & R, Dkt. 17). Plaintiff timely filed objections to the report and recommendation. (Objs., Dkt. 18).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Plaintiff objects to Judge Howell's findings and recommendations solely on the basis that the magistrate judge's report and recommendation does not discuss or recommend awarding Plaintiff attorney's fees in the amount of \$25,000.00. (Objs., Dkt. 18, at 2). Plaintiff requests that this Court award Plaintiff \$25,0000.00 in attorney's fees. (*Id.*). Plaintiff did not request attorney's fees in its complaint, (Dkt. 1), or its motion for default judgment, (Dkt. 11).

For the reasons given in the report and recommendation, the Court adopts the report and recommendation as its own order. The Court overrules Plaintiff's objections as to the lack of attorney's fees. However, Plaintiff may file a motion for attorney's fees on or before May 14, 2024.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 17), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's motion for default judgment is **GRANTED** as to Plaintiff's breach of contract and unjust enrichment claims against Defendant Naomi Martin and **DENIED** in all other aspects.

IT IS FURTHER ORDERED that Plaintiff is awarded compensatory damages in the amount of \$50,000.00, costs, and pre- and post- judgment interest at the rates applicable at the time the final judgment is rendered.

IT IS FINALLY ORDERED that Plaintiff may file a motion for attorney's fees on or before **May 14, 2024**.

The Court will enter final judgment by separate order.

SIGNED on April 30, 2024.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE